

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application.

The Examiner objected to the abstract of the disclosure for being too long and containing two paragraphs. The Examiner also objected to a typographical error in the paragraph beginning on application page 16, line 13. Appropriate amendments have been made to the abstract and specification.

Claims 1-12 were rejected under 35 U.S.C. 112, second paragraph as being indefinite because “there is no support in the specification, for the particularly pointing out, for which one is for the first modulation input, signal, & for which one is for the second modulation input, signal.” Application page 4, lines 4-9 discuss “a first modulation input portion for inputting a first modulation signal to a first position of the PLL portion on the basis of input modulation data, and a second modulation input portion for inputting a second modulation signal to a second position different from the first position of the PLL portion on the basis of the modulation data.” Further, application page 14, lines 15-19 state that, “the frequency dividing ratio of the frequency divider 105 and the control voltage of VCO 101 are controlled and the modulation is applied, that is, the modulation is applied at two points, whereby broadband modulation can be performed.” Clearly, the specification describes modulation at two points. Claims 1 and 12 particularly claim first and second modulation input portions for inputting, respectively, first and second modulation signals. Applicants are not required under 35 U.S.C. 112, second paragraph, to specifically identify in the specification one of the modulation inputs as “the first” and another as “the second.” Applicants submit that the meanings of claims 1 and 12 are discernable to one of ordinary skill in the art and, therefore, meet the requirements of 35 U.S.C. 112, second

paragraph. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. 112, second paragraph.

The Examiner objected to typographical errors in claims 1 and 12. Appropriate amendments have been made to claims 1 and 12.

Claims 12-15 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of USPN 7,157,985. Applicants have submitted a terminal disclaimer to overcome the rejection.

Claims 1-4, 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Heck and Wynn. Heck discloses that any one of the first and second modulation input signals is inverted by the phase inverter 112, however, Heck does not disclose adjusting the modulation timing. Further, Heck only discloses constantly providing the opposite phase by the inverter. Wynn discloses adjusting the modulation timing, however, it does not disclose providing the opposite phase. Thus, Heck and Wynn do not disclose any one of the first and second modulation input portions inverts the phase of the modulation data and inputs the modulation signal to the PLL portion at the time of a modulation timing adjustment to adjust the modulation timing of the first modulation signal and the second modulation signal.

Applicants submit that claim 1 is allowable over the combination of Johnson, Heck and Wynn. Claims 2-4, 9 and 10 depend from claim 1 and, therefore are also allowable over the combination of Johnson, Heck and Wynn.

New claim 16 has been added which depends from claim 1. Claim 16 recites, "the first and second modulation input portions input the modulation data...under a normal operation; and any one of the first and second modulation input portions inverts the phase of the modulation

data...at the time of a modulation timing adjustment.” The cited combination of references fails to teach the noted limitations.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-38038.

Respectfully submitted,
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